

60,130-1023  
01MRA0134**REMARKS**

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. The claims have been amended to make clerical changes to clarify the claims. The claims have also been amended to clarify that the adjustable active suspension module performs as if it were a passive suspension as recited in the claims. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon *Kijima, et al.* That reference teaches an arrangement where a driving simulator gathers information regarding an individual. While the gathered information may impact the performance of the eventually bought vehicle, it does not correspond to adjusting an adjustable active suspension module such that it performs as if it were a passive suspension. There is no suggestion or motivation for modifying *Kijima, et al.* to be consistent with Applicant's claims.

Applicant's invention utilizes an active suspension module in a different manner than is used in *Kijima, et al.* The active suspension in that reference always performs as an active suspension. It may use driver characteristic information gathered from the simulator to control how it performs but it still performs as an active suspension. Additionally, the simulator of *Kijima, et al.* never adjusts an active suspension to perform in any particular manner. Instead, the simulator of that reference gathers information regarding an individual's driving technique. That information, however, is never used to adjust an adjustable active suspension module so that it performs as if it were a passive suspension.

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The significant differences between Applicant's claimed invention and the cited references are patentable and this case is in condition for allowance.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

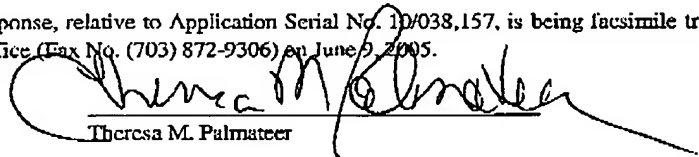
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Dated: June 9, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/038,157, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on June 9, 2005.

  
Theresa M. Palmateer

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